

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JUAN FUENTES-SANTIAGO,

Plaintiffs,

v.

CIVIL NO. 03-2181(DRD/GAG)

EMPRESAS STEWART AND CIAS,
et al.,

Defendants.

ORDER

Before the Court is co-defendant Empresas Stewart and Cias' ("Stewart") *Second Motion to Strike* (Docket No. 48), alleging that plaintiff Juan Fuentes-Santiago's ("Fuentes-Santiago") failure to comply with Local Rule 56 (c) warrants that his statement of contested facts (Docket No. 42) be stricken from the record. For the reasons set forth herein, the Court **GRANTS** Stewart's *Motion to Strike*.

While the plaintiffs did submit an opposing statement of material facts (Docket No. 41), said statement fails to meet the Local Rule's requirements, which call for the opposing party's statement to:

"admit, deny or qualify the facts by reference to each numbered paragraph of the moving party's statement of material facts and unless a fact is admitted, shall support each denial or qualification by a record citation as required by this rule."

Rule 56 (c), Local Rules of the United States District Court, District of Puerto Rico (2004) (emphasis added). Parties ignore Local Rule 56 at their own peril, and failure to file a statement of contested facts which fully complies with said rule warrants deeming the facts presented in the movant's statement of undisputed facts admitted. Morales v. Orsleff's EFTF, 246 F. 3d. 32, 33 (1ST Cir.2001). The non-movant may not merely file a separate list of facts which bare no relationship to those numbered in the movant's statement. Mercado-Alicea v. P.R. Tourism Company, 396 F. 3d. 46, 50-51 (1ST Cir. 2005).

In the case at bar, Fuentes-Santiago's statement of contested facts is flawed for various

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3 reasons. The first and most glaring is the inconsistency in some of its denials and admissions. Of the
4 thirty-four statements admitted in paragraph number one of his Rule 56 (c) statement, nine are later
5 denied. Specifically, paragraphs 34, 38, and 50-56, are initially admitted, but later controverted. See
6 ¶¶ 8-10, 29-30, *Statement of Contested Facts*, p. 2, 5 (Docket No. 42). In addition, as Stewart
7 correctly points out, Fuentes-Santiago has failed to admit, deny or qualify almost half of the
8 allegations contained in its statement of uncontested facts. To that effect, the Court finds that
9 paragraphs 2, 8, 16, 23-24, 31-33, 36-37, 39, 44-45, and 58-72 are not even mentioned in the
10 plaintiffs statement of contested facts, much less admitted, denied or qualified. Id.

11 In essence, Fuentes-Santiago filed his own statement of facts, in which he sparsely mentions
12 some of the allegations contained in Stewart's statement of uncontested facts, while adding
13 numerous others. While Fuentes-Santiago is free to add any additional statements of material fact
14 he chooses, he may do so in "a separate section" and after satisfying his obligation to properly
15 address the movant's material facts. Rule 56 (c), Local Rules of the United States District Court,
16 District of Puerto Rico (2004). The plaintiff's statement clearly fails to do so, first because his initial
17 compliance with Rule 56 (c) is in doubt, and secondly because he has joined all the facts he deems
18 pertinent in one statement, which requires the Court to sift through the same in search of which facts
19 reference Stewart's statement and which others have been added by Fuentes-Santiago. Such action
20 clearly contravenes the very purpose of local rule 56, dubbed the "anti-ferreting rule," which seeks
21 to prevent the Court from having to search through sloppy records to decipher whether an issue of
22 material facts is present. Mercado-Alicea, 396 F. 3d. at 51 (citing Morales, 246 F. 3d. at 35).

23 CONCLUSION

24 In light of the preceding, the Court **GRANTS** Stewart's *Motion to Strike* (Docket No. 48).

25 **IT IS SO ORDERED**

26 **Date: June 30, 2005**

27 **S/ Gustavo A. Gelpí**
28 **GUSTAVO A. GELPÍ**
U.S. Magistrate Judge